IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

OP.No. 12955 of 2003(P)

PETITIONER:

IRINJALAKUDA SERVICE CO-OPERATIVE
BANK LTD., NO. 594, REPRESENTED BY ITS SECRETARY,
IRINJALAKUDA P.O.

BY ADV. SRI.SHEEJO CHACKO

RESPONDENTS:
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1. IRINJALAKUDA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, IRINJALAKUDA P.O.

2. P.S.SUGATHAN S/O. PATHAZHAKATTIL,
SANKARANARAYANAN, KORUMBISSERY DESOM,
IRINJALAKUDA P.O.

BY ADV. SRI.SUNIL JACOB JOSE

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 12955/2003

ORDER ON CMP NO. 21985/2003 IN O.P.No. 12955/2003

DISMISSED.

05/03/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE LOAN AGREEMENT DATED 17/01/2000.

EXT.P2 COPY OF THE EMPLOYMENT CERTIFICATE PRODUCED BY THE 2ND RESPONDENT DATED 03/01/2000.

EXT.P3 COPY OF THE EMPLOYMENT CERTIFICATE PRODUCED BY THE WIFE OF THE 2ND RESPONDENT.

EXT.P4 COPY OF THE LETTER DATED 06/01/2000 ISSUED BY THE 1ST RESPONDENT.

EXT.P5 COPY OF THE FORM NO. 9 NOTICE DATED 19/10/2000.

EXT.P6 COPY OF THE A/D CARD EVIDENCING THE RECEIPT OF FORM NO. 9 NOTICE ON 03/04/2003 BY THE 2ND RESPONDENT.

EXT.P7 COPY OF THE FORM NO. 9 NOTICE DATED 22/1/2003.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 12955 of 2003

Dated, this the 5th day of March, 2007

J U D G M E N T

Prayer in the writ petition is for a direction to the 1st respondent to recover the arrears from the salary of 2nd respondent and pay to the petitioner for settlement of a loan amount and interest payable by the 2nd respondent to the 1st respondent. This Court vide judgment in OP 10163 of 2003 dated 30/10/2006, upheld the petitioner's entitlement to recover arrears from defaulters through Garnishee proceedings from the employees. This writ petition is accordingly allowed directing the 1st respondent to immediately start recovery from the salary of the 2nd respondent and remit the same to the petitioner as requested by them.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg